

STATE OF NEW HAMPSHIRE

**SITE EVALUATION COMMITTEE
(Docket No. SEC 96-01)**

ORDER ON MOTION FOR REHEARING

The Committee having considered the Motion for Rehearing hereby denies the Motion on the issue of Preemption, but grants the Applicants' request to amend, modify, revise or change certain portions of the Decision and conditions attached thereto.

IT IS HEREBY ORDERED that the following condition be revised, amended or changed to read as follows:

Section B. ORDERLY DEVELOPMENT 1. Shelburne (page 17, line 21). "The amended alignment sheet shall be filed by December 15, 1997."

Section B. ORDERLY DEVELOPMENT 2. Newton (page 18, line 20). "The Applicant shall submit revised alignment sheets by October 15, 1997."

Section E. PUBLIC PARTICIPATION/PROTECTION OF PUBLIC INTEREST. The conditions following the discussion in this section shall be amended to read as follows:

1. Within sixty days of the date hereon, the Applicants shall file with the County Registry of Deeds a blanket conveyance instrument (Release), which instrument shall reconvey to each landowner that executed easements, all rights not related to the transportation of natural gas. No consideration shall be paid for the conveyance. The Applicants shall submit a copy of the release instrument, simultaneously with submission of the landowner fact sheet pursuant to condition 7, to each and every property owner who previously negotiated an easement. The blanket release shall be recorded in each County Registry of Deeds, and shall include appropriate deed references to ensure inclusion in each property owner's chain of title. The Applicants shall also inform all landowners who previously executed easements, that if they feel aggrieved as to the manner in which the negotiations took place or feel they were unjustly treated, they may request a meeting with the pipeline officials who have agreed that they will meet with the landowner to discuss the matter. All requests for such a meeting shall be made within 30 days of receipt of the information, notice or receipt of the fact sheet.

2. [Unchanged].

3. [Unchanged].

4. Construction in residential areas is limited to the hours of 7 AM to 7 PM Monday through Saturday, except for non-construction activity (activity that does not involve heavy machinery, excavation or other earth moving equipment or equipment that makes loud noises) and work that is necessary to comply with permit conditions and good construction practices.

5. Reimburse landowners for the value of forest products harvested on their property. Yield taxes will be the responsibility of the Applicants. Ensure that any existing logging roads are restored to their prior condition or better and that installation of the pipeline does not render such existing roads unsuitable for logging, without cost to the landowner. Ensure that landowners present and future be able to have perpendicular access across the pipeline at a point or points and without incurring costs to the landowner.

6. Notify the public by public notice that wells within 200 feet of the project activities will be eligible for well tests, at no cost to the owner, before and after blasting activities.

7. Prepare a landowners fact sheet and distribute a copy to each landowner whose property will be affected by the construction. The fact sheet should explain in clear, nontechnical language what the pipeline companies are willing to do with respect to landowner's concerns. During face to face interactions, the Applicants should affirmatively explain the material in the fact sheet and outline the procedures the landowner should be aware of concerning issues of eminent domain and/or easements, and answer any questions the landowners may have about these issues. The fact sheet should also inform the landowner that they are entitled to retain an attorney for legal advice.

8. [Unchanged].

9. [Unchanged].

10. Certificate approval does not grant authority to remove buildings in the Additional Temporary Work Space Areas, unless requested in writing by the landowner and agreed to by the Applicants and the landowner.

Attachment C: NHDES Conditions: The NHDES conditions attached to this Order are revised, amended or changed as set forth therein.

Attachment D: NHPUC Conditions: The following conditions are revised, amended or changed to read as follows:

NHPUC Condition A5 is revised to eliminate the following rivers and streams from "Major River and Streams": Hall's Stream, Simms Stream, Austin Mill Brook, Lary Brook, York

Brook, Winnicut River, and Pickering Brook.

NHPUC Condition C is amended to add the following language after the list of valve locations: "Milepost designations are approximate only. Actual valve placement may vary 1-2 miles from the milepost designation identified above."

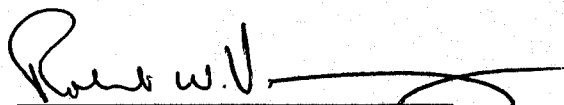
NHPUC Condition C (page 3) is further amended and revised to read: "Major River Crossings: Piscataqua River: Mainline valves shall be located adjacent to the west side of river in New Hampshire and not to exceed approximately 6-7 miles away on east side of river in Maine."

NHPUC Condition D, second bullet, is amended to read: "The applicants shall utilize industry standard criteria for establishing a timetable for performing a baseline internal inspection by instrumented internal inspection devices after the pipeline is in service or within three years of operation, whichever is sooner."

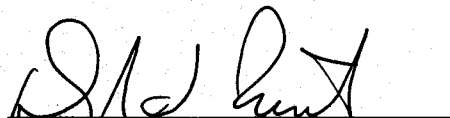
Attachment E: PDA Conditions: PDA Condition 2 is amended to read:

"The construction of the proposed pipeline along a portion of Arboretum Drive located at the northerly end of the Tradeport, will be somewhat destructive to that portion of the roadway. The PDA may enter into, as proprietor, negotiations with the Applicant for improvements of that portion of Arboretum Drive within the construction ROW to reasonable standards set by the PDA. Also, in areas where clearing is required along the portion of the roadway within the construction ROW we anticipate that the project team will work with both the PDA and the Town of Newington to restore the area to reflect the surrounding aesthetic environment (e.g. constructing stone wall sections and/or landscaping)." Nothing in this condition shall be deemed to preclude the PDA, as proprietor, from negotiating with the Applicant for improvements to the entire length of Arboretum Drive, whether or not the same is in the construction area.

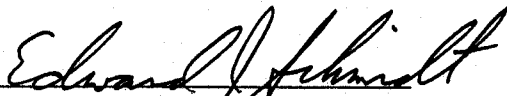
By Order of the Site Evaluation Committee this 26th day of September, 1997



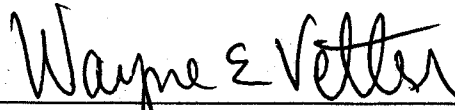
Robert W. Varney, Chairman
Commissioner, Dept. of
Environmental Services



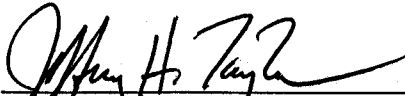
Douglas L. Patch, Chairman
Public Utilities Commission



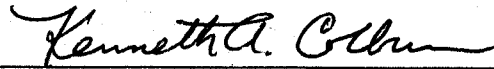
Dr. Edward Schmidt, Dir.
Water Division, Dept of
Environmental Services



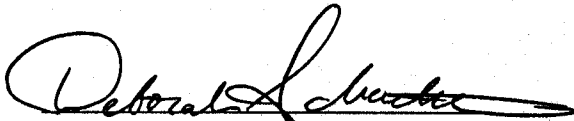
Wayne Vetter, Dir.
Fish and Game Dept.



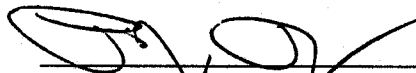
Jeffrey H. Taylor, Dir.
Office of State Planning



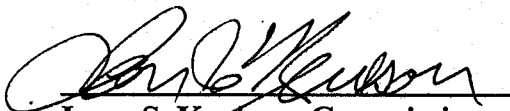
Kenneth A. Colburn, Dir.
Air Resources Division, Dept.
of Environmental Services



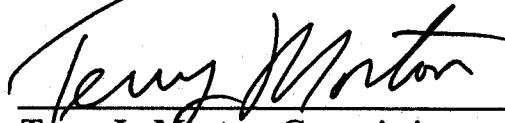
Deborah Schachter, Dir.
Governor's Office of Energy
& Community Services



Philip Bryce, Dir.
Division of Forest & Lands, Dept. of
Resources & Economic Dev.



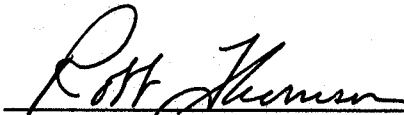
Leon S. Kenison, Commissioner
Dept. of Transportation



Terry L. Morton, Commissioner
Dept. Of Public Health & Human Services



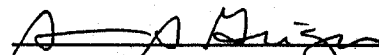
Richard McLeod Dir.
Division of Parks,
Dept. of Resources & Economic Dev.



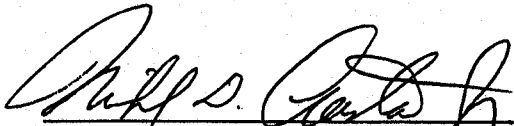
Robb Thomson, Commissioner
Dept. of Resources & Economic
Development



Bruce B. Ellsworth, Commissioner
Public Utilities Commission



Susan S. Geiger, Commissioner
Public Utilities Commission



Michael D. Cannata Jr., Chief Engineer
Public Utilities Commission